

W A S H I N G T O N
H I G H E R
EDUCATION
C O O R D I N A T I N G B O A R D



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MEDIA ADVISORY

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OLYMPIA - As a result of a ruling by the 9th U.S. Circuit Court of Appeals last fall, the Higher Education Coordinating Board (HECB) today is notifying colleges and universities across the state about a major change in its delivery of financial aid to students.

The court ruling, a result of *Davey v. Locke*, requires the HECB now to provide financial aid to qualified students who choose to study theology.

The court said the state statute prohibiting the payment of state financial aid to students pursuing degrees in theology violated the First Amendment's religious-freedom provision.

The case arose after Northwest College in Kirkland, affiliated with the Assemblies of God Church, in 1999 declined to certify Joshua Davey of Spokane as eligible for a Washington Promise Scholarship, based on guidance from the HECB. The HECB has relied on state law (RCW 28B.10.814) that prohibits financial aid awards to students who pursue a degree in theology. Davey majored in both business administration and pastoral ministries at Northwest College.

Because the law in question applies to all Washington state financial aid programs, the HECB must follow the ruling by not prohibiting awards to students because they pursue degrees in theology. The HECB has directed colleges and universities to process aid requests for eligible students retroactive to fall 2002.

The HECB is working with the Governor's Office and the state Attorney General's Office on whether to appeal to the U.S. Supreme Court. A decision on whether to appeal is expected by late February.

The HECB will continue to abide by the 9th Circuit Court's rulings unless a successful appeal to the Supreme Court deems otherwise.

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Davey v. Locke: An overview

- The Washington Higher Education Coordinating Board (HECB) is modifying its financial aid programs to comply with a ruling from the 9th U.S. Circuit Court of Appeals that requires the agency to provide financial aid to qualified students who choose to study theology.
- Last July, a panel of the 9th U.S. Court of Appeals said a state statute prohibiting the payment of state financial aid to students pursuing degrees in theology violated the First Amendment's religious-freedom provision and the 14th Amendment's equal-protection guarantees.
- The case arose after Northwest College in Kirkland, affiliated with the Assemblies of God Church, in 1999 rescinded a Washington Promise Scholarship to Joshua Davey of Spokane, based on guidance from the HECB. The HECB has relied on state law (RCW 28B.10.814) that prohibits financial aid awards to students who pursue a degree in theology. Davey majored in both business administration and theology at Northwest College.
- Davey sued the state, and in 2000, a federal district court ruled in favor of the state.
- But the 9th Circuit appeals panel, in a 2-1 decision, said the state's scholarship criteria discriminated "in such a way as to suppress a religious point of view." The court said the scholarship's broad purpose -- to help pay for the higher education of outstanding students -- requires that it be viewpoint-neutral, rather than exclude only those who study theology.
- The state appealed that ruling and asked for a full court hearing on the matter. The appeal was denied, essentially upholding the earlier appeals panel ruling.

- Because the law in question applies to all Washington state financial aid programs, the HECB must follow the ruling by not prohibiting awards to students because they pursue degrees in theology. The HECB has directed colleges and universities to process aid requests for eligible students retroactive to fall 2002.
- The HECB is working with the Governor's Office and the Attorney General's Office on whether to appeal to the U.S. Supreme Court. A decision on whether the state will appeal to the high court is expected by the end of February.